S.B. Cr. Revision Petition No.55/2007
Harish Kumar
vs
State of Rajasthan

DATE OF ORDER : 14.2.2007

HON'BLE JUSTICE SHRI G.S. SARRAF

Shri Sandeep Mehta, for the petitioner.

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This revision petition is directed against the order dated 5.1.2007 of Addl. Sessions Judge (Fast Track) No.1, Bikaner whereby he has framed charges against the petitioner for the offences under sections 498A and in the alternative 498A/34, 406 and in the alternative 406/34, 325 and 307 IPC.

The facts in brief are that one Murlidhar lodged a report at the Mahila Thana, Bikaner on 4.10.2006 with the allegation that after marriage his daughter Deepa was harassed in connection with demand of dowry by the petitioner (husband of Deepa) and other family members. When she developed cancer, she was admitted to PBM Hospital and was shifted to Preksha cottage. On 3.10.2006 at about 11.00 AM Deepa's younger sister Bhawna went for darshan of Lord Hanuman in a temple situated in the hospital campus leaving the petitioner with Deepa. Bhawna returned after some time and knocked the door of the cottage

but the petitioner did not open the door. Bhawna looked through the window and she saw that the petitioner was throttling Deepa. When Bhawna shouted loudly the petitioner opened the door. It is alleged that, on inquiry, the petitioner told Bhawna that Deepa was not in a position to recover and, therefore, there was no sense in spending money on her and that he wanted to marry again. On the basis of this report, a case vide FIR No.118/2006 was registered at Mahila Thana, Bikaner and after investigation the Police filed a challan against the petitioner under Sections 498A, 307, 325, 406/34 IPC and against others under sections 498A, 406/34 IPC.

After hearing the arguments, the learned trial judge vide order dated 5.1.207 framed charges against the petitioner under sections 498A and in the alternative 498A/34, 406 and in the alternative 406/34, 325, 307 IPC and against rest of the accused under Sections 498A and in the alternative 498A/34 and 406 and in the alternative 406/34 IPC. Aggrieved by this order, the petitioner has filed this revision petition.

Heard learned counsel for the petitioner.

The limited prayer of the learned counsel for the petitioner is that since there are not sufficient grounds to frame charge against the petitioner under Section 307 IPC, the order of framing charge under Section 307 IPC be set aside.

Deepa in her statement recorded under Section 161

Cr.P.C. has stated that the petitioner tried to kill her by throttling her. Bhawna has also made a similar statement under Section 161 Cr.P.C.

At the stage of framing charge, evidence is not to be weighed and the meticulous consideration of evidence and material by the court is not required.

After hearing the learned counsel for the petitioner and after going through the statements of Deepa and Bhawna recorded under Section 161 Cr.P.C., I am of the opinion that the charge framed under Section 307 IPC against the petitioner cannot be said to be groundless.

In the facts and circumstances of the case, no interference is warranted.

The revision petition, stands, dismissed accordingly.

(G.S. SARRAF), J.

cpgoyal/-